Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
NUCLEAR ENERGY INSTITUTE	)	
and	)	ET 05-345
UNITED TELECOM COUNCIL	)	
	)	
Request for Waiver to Permit the Use of	)	
Certified Wireless Headsets and Intercom	)	
Devices at Nuclear Facilities	)	

COMMENTS OF DOMINION RESOURCES, INC.

Dominion Resources, Inc. ("Dominion"), by counsel and pursuant to the Commission's Rules, hereby respectfully submits comments in support of the Petition for Waiver ("Petition") to permit the continued use of certified wireless headsets and intercom devices at nuclear facilities that was submitted by the Nuclear Energy Institute ("NEI") and the United Telecom Council ("UTC"). Dominion is a member of the UTC and the NEI and is reliant on the Telex devices at issue in this proceeding. As such, Dominion supports the efforts by the NEI and the UTC to allow personnel at nuclear plant sites to continue to use Telex communications devices.

I. Introduction

Dominion, through its subsidiaries, serves millions of electric customers across the East Coast and parts of the Midwest. Dominion generates electricity in Virginia, North Carolina, Connecticut, Massachusetts, Rhode Island, West Virginia, Indiana, Pennsylvania, Illinois, Wisconsin and Ohio from numerous facilities, including fossil fuel stations, hydroelectric stations, combustion turbine sites, and nuclear power stations.

Telex equipment has unique characteristics that enhance the communication of critical tasks regarding operation and maintenance of a nuclear power station. These tasks can be completed most safely and efficiently if Telex equipment remains available. Accordingly,

Dominion supports efforts of the NEI and the UTC to seek in the Petition an extension of time for operators like Dominion to continue to benefit from this equipment.

II. Dominion's Use of Telex Equipment

Telex equipment has various advantages over other commercially available radios. The equipment is set up to operate hands-free, so that users of the equipment may complete critical tasks without need to grasp a walkie-talkie type radio. Telex equipment also is far smaller than other equipment and does not obstruct the user. Similarly, the equipment functions without any need to push-to-talk, again freeing up the user for completing the tasks at hand by permitting uninterrupted voice transmission. Telex equipment also is far superior to other types of radios in its ability to reject background noise and to provide high quality audio. This ability allows users to communicate clearly in an environment of high background noise and radiation.

Unlike other equipment, such as belt-styled UHF communications systems, Telex equipment also avoids inadvertent actuation of other power station equipment (which has the potential to take the plant offline). Telex equipment also is far easier to configure and operate than these other systems. In fact, Dominion abandoned a different system during an earlier refueling outage in favor of the Telex system because of the initial system's lack of functionality, limited range, and interference problems.

Because of these advantages, Telex equipment is used by Dominion for critical operation and maintenance tasks within the core of its nuclear power stations. For example, Telex equipment is used in high radiation areas during refueling procedures where the equipment allows constant communication between the control room, the fuel building, and the containment refueling machine. The equipment also is used for communications between Dominion's Health Physics team and workers who enter high risk areas, such as the reactor cavity, the reactor head and the fuel transfer canal. Similarly, Telex equipment is used in Dominion reactor facilities

when polar crane operators are required to work with load directors to communicate during critical lifts, including those during outages. Use of Telex equipment guards against the potential for voice drop or interference, both of which could affect time sensitive operations. Telex equipment also is used in decontamination booths to permit communications between workers on each side of the booth.

Unlike other equipment, Telex equipment permits reliable, interference-free, hands-free, uninterrupted transmissions for Dominion personnel engaged in various tasks. Accordingly, Dominion employees are well-equipped to comply with federal guidelines (*e.g.*, permitted time of exposure) regarding fuel movement and other tasks by permitting them to remain in constant communications while freeing their hands to the tasks required. Further, by using Telex base stations with frequency agility, communications can be performed simultaneously and independently by the containment refuel team, the containment coordination team, and the Health Physics monitoring team, which monitors multiple locations within containment.

Dominion operates Telex equipment at very low power levels of 50 milliwatts, which as a practical matter means that the signal falls off before leaving Dominion property. In fact, Dominion never has received a complaint regarding its use of Telex equipment from any other user of spectrum.

III. The Unique Requirements of Nuclear Power Stations Make Waiver in the Public Interest.[1]

The operation of nuclear power stations presents unique challenges not confronted by most other spectrum users. These challenges are set forth in detail in the Petition, and include the need for station workers to operate quickly and in compliance with strict federal guidelines relating to radiation exposure. *See* Petition at 6-10.

[1] *See* 47 C.F.R. § 1.925(b)(3).

Dominion should not be required to seek out and purchase inferior equipment when the Telex equipment it operates functions exceedingly well, and does not cause interference to other users. At present, no reasonable alternative exists to Dominion's use of Telex equipment. Until such time as an equivalent technology is readily available, the public interest will continue to be served by permitting use of Telex equipment in nuclear facilities. In Dominion's experience, the equipment does not cause interference to other users of the spectrum and its use is restricted to trained users operating in essential nuclear facilities. Dominion should not be required to subsist on inferior technology. In light of these unique factors, including a lack of a reasonable alternative, the public interest will best be served by continued authorized use of Telex equipment.

Furthermore, the Commission should remain mindful of the special status of nuclear power stations, which have been recognized by the Executive Branch in Executive Order 13010, as being part of the nation's critical infrastructure that is "so vital that their incapacity...would have a debilitating impact on the defense or economic security of the United States."[2] The Executive Order instructed federal agencies such as the Commission to ensure that members of critical infrastructure industries be permitted the tools they require to operate safely and effectively. Telex is such equipment.

Accordingly, Dominion submits that a continued waiver of the use of Telex equipment in nuclear power stations should be granted.

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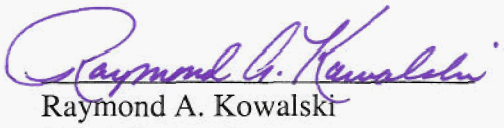
[2] Exec. Order No. 13,010, 61 Fed. Reg. 37,347 (Jul. 15, 1996).

CONCLUSION

For the reasons set forth herein, Dominion asks the Commission to grant the Petition and to permit nuclear power station operators to continue to rely upon the technology that best fits their needs.

Respectfully submitted,



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